

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**In Re:**

**Raymond C Freundt**

**Debtor**

**BK No.: 15-43256**

**Chapter: 7**

**Honorable Judge Donald R Cassling**

**NOTICE OF MOTION**

To: *See attached service list*

PLEASE TAKE NOTICE that on **April 15, 2016 at 10:30 a.m.**, I shall appear before Honorable Judge Donald R Cassling at the Kane County Courthouse, 100 South Third Street, Room 240, Geneva, IL 60134 or any judge presiding and then and there present the attached motion, a copy of which is attached hereto.

By: /s/ Jill Sidorowicz  
Jill Sidorowicz #6299380

**CERTIFICATE OF SERVICE**

I, Jill Sidorowicz, hereby certify that I caused to be served, electronically or through United States Mail, a copy of the foregoing Notice of Motion upon the parties named above on April 6, 2016 before the hour of 5:00 p.m. from the office located at 105 West Adams Street, Suite 1850, Chicago, Illinois 60603.

By: /s/ Jill Sidorowicz  
Jill Sidorowicz #6299380  
Weiss McClelland LLC  
105 West Adams Street, Suite 1850  
Chicago, Illinois 60603  
P: (312) 605-3500  
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Our File #: IL-003636

**SERVICE LIST**

**Patrick S Layng**

Office of the U.S. Trustee, Region 11  
219 S Dearborn St  
Room 873  
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**Service via ECF**

**Thomas E Springer**

Springer Brown, LLC  
300 South County Farm Road  
Suite I  
Wheaton, IL 60187

**Service via ECF**

**Penelope N Bach**

Sulaiman Law Group, Ltd.  
900 Jorie Boulevard  
Suite 150  
Oak Brook, IL

**Service via ECF**

**Raymond C Freundt**

0N530 Schneider Road  
Elburn, IL 60119

**Service via US Mail**

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**MOTION FOR RELIEF FROM AUTOMATIC STAY**

Bank of America, N.A. (the “Movant”), by and through its attorney, Jill Luetkenhaus, of the law firm of Kozeny & McCubbin Illinois, LLC, hereby moves this Court, pursuant to Section 362 of the United States Bankruptcy Code, 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor having an address of 2968 Country Meadow Lane, Belvidere, IL 61008 (the “Property”). The Required Statement is attached hereto as **Exhibit A**, in accordance with Local Rule 4001-1. In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor on December 24, 2015.
2. A Notice of Voluntary Conversion to Chapter 7 was filed on March 17, 2016.
3. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$205,535.00 (the “Note”). A true and correct copy of the Note is attached hereto as **Exhibit B**. Movant is an entity entitled to enforce the Note.
4. Pursuant to that certain mortgage (“the “Mortgage”), all obligations (collectively, the “Obligations”) of the Debtor under and with respect to the Note and the Mortgage are secured by the Property. A true and correct copy of the Mortgage is attached hereto as **Exhibit C**.
5. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to that certain assignment of mortgage. A true and correct copy of the Assignment of Mortgage is attached hereto as **Exhibit D**.
6. As of March 25, 2016, the outstanding amount of the Obligations is \$197,774.81.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested herein, Movant has also incurred \$650.00 in legal fees and \$176.00 in costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the United States Bankruptcy Code and otherwise applicable law.

8. The following chart sets forth the number and amount of payments due pursuant to the terms of the Note that have been missed by the Debtor:

| Number of Delinquent Payments | From      | To        | Monthly Payment Amount | Total Missed Payments |
|-------------------------------|-----------|-----------|------------------------|-----------------------|
| 2                             | 7/1/2015  | 8/1/2015  | \$1,661.62             | \$3,323.24            |
| 2                             | 9/1/2015  | 10/1/2015 | \$1,728.13             | \$3,456.26            |
| 2                             | 11/1/2015 | 12/1/2015 | \$1,623.11             | \$3,246.22            |
| 3                             | 1/1/2016  | 3/1/2016  | \$1,562.08             | \$4,686.24            |
| Less partial payments:        |           |           |                        | \$0.00                |

**Total: \$14,711.96**

9. The estimated market value of the Property is \$227,827.00. The basis for such valuation is Schedule A of Debtor's petition.

10. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant is \$197,774.81.

11. Cause exists for relief from the automatic stay for the following reasons:

a. Movant's interest in the Property is not adequately protected.

- b. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

Respectfully submitted,

By: /s/ Jill Sidorowicz  
Jill Sidorowicz #6299380  
Weiss McClelland LLC  
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Chicago, Illinois 60603  
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*Counsel for Bank of America, N.A.*